IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 18TH OCTOBER 2007 / 26TH ASWINA 1929

Crl.MC.No. 3223 of 2007()

CC.800/2005 of JUDL.MAGISTRATE OF FIRST CLASS COURT, TIRUR

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PETITIONER: 1ST ACCUSED

MR. RAJESH GOPAL,
MANAGING PARTNER, ESSAR TRADES AND EXPORTS,
1/482, RIVER ROAD, COCHIN-692 001.

BY ADV. SMT.C.S.SHEEJA

RESPONDENTS: COMPLAINANT/ACCUSED 2 TO 4

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1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. ABDUL RASHEED,
MANAGING PARTNER, GLOBAL TRADE LINKS,
ROOM NO.20/117, EZHUR ROAD, TIRUR-676 101.

3. MRS. SARITHA SHIJU,
PARTNER, ESSAR TRADES AND EXPORTS, 1/482,
RIVER ROAD, COCHIN-692 001.

4. MR. SHIJU SUDEVAN,
POWER OF ATTORNEY HOLDER OF MRS. SARITHA SHIJU,
ESSAR TRADES AND EXPORTS, 1/482, RIVER ROAD,
COCHIN-692 001.

5. M/S. ESSAR TRADES AND EXPORTS,
1/482, RIVER ROAD, COCHIN-692 001.

R1 BY PUBLIC PROSECUTOR SRI. M.S. BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 3223 of 2007

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Dated this the 18th day of October, 2007

O R D E R

When this petition came up for hearing, the learned counsel for the petitioner submits that two cases with identical prayer have been disposed of by this Court as per order dt. 17.10.2007 in Crl.M.C. Nos. 3196 and 3198 of 2007. The counsel only prays that identical directions may be issued in this case also. I am satisfied, in these circumstances, that identical directions can be issued in favour of the petitioner in this case also.

2. This Crl.M.C. is accordingly allowed and the following directions are issued.

i) The petitioner can appear before the learned Magistrate through counsel and bring to the notice of the learned Magistrate that warrant of arrest is being issued against the petitioner allegedly because of an error/inadvertence.

ii) The learned Magistrate must consider such request without insisting on the personal presence of the petitioner and pass appropriate orders. All relevant facts must be adverted to and decision taken by the learned Magistrate.

iii) The warrant of arrest issued against the petitioner in this case shall not be executed till 31.10.2007, within which time the petitioner must appear before the learned Magistrate and take necessary steps. If such application is filed, warrant of arrest shall not be executed till the same is disposed of.

(R. BASANT)
Judge

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